

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

FOREST LABORATORIES, INC., et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 08-021 (GMS) (LPS)
	)	CONSOLIDATED
COBALT LABORATORIES INC., et al.,	)	
	)	
Defendants.	)	

FOREST LABORATORIES, INC., et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	C.A. No. 08-022 (GMS) (LPS)
BARR LABORATORIES, INC., et al.,	)	
	)	
Defendants.	)	

FOREST LABORATORIES, INC., et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 08-052 (GMS) (LPS)
	)	
DR. REDDY'S LABORATORIES, INC., et	)	
al.,	)	
	)	
Defendants.	)	

FOREST LABORATORIES, INC., et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 08-291 (GMS) (LPS)
	)	
ORGENUS PHARMA INC.,	)	
	)	
Defendant.	)	

FOREST LABORATORIES, INC., et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 08-336 (GMS) (LPS)
	)	
APOTEX INC., et al.,	)	
	)	
Defendants.	)	

**PLAINTIFFS' RULE 30(b)(6) NOTICE OF DEPOSITION FOR  
ORGENUS IN CONNECTION WITH JURISDICTIONAL DISCOVERY**

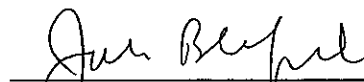
PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6), Fed. R. Civ. P., and the parties' Stipulated Jurisdictional Discovery Schedule, Plaintiffs Forest Laboratories, Inc., Forest Laboratories Holdings, Ltd., Merz Pharma GmbH & Co. KGaA and Merz Pharmaceuticals GmbH ("Plaintiffs") will take the deposition upon oral examination of Defendant Orgenus Pharma, Inc. ("Orgenus") regarding the subject matter set forth in the attached Schedule A.

This deposition will begin at 9:30 a.m. on August 8, 2008 at the offices of Kirkland & Ellis LLP, Citigroup Center, 153 E. 53rd Street, New York, New York, or at such other time and place as may be agreed upon by counsel in writing. The examination will be taken before an officer authorized to administer oaths pursuant to Rule 28, Fed. R. Civ. P., and will continue from day to day until completed. The testimony at the deposition will be recorded by videographic and stenographic means.

In accordance with Rule 30(b)(6), Fed. R. Civ. P., Orgenus shall designate one or more officers, directors, managing agents or other persons who consent to testify on its behalf as to each of the topics set forth in the attached Schedule A. Plaintiffs request that Orgenus provide

counsel for Plaintiffs with the identity and *curriculum vitae* of each of the individual(s) who will testify regarding each topic at least four business days in advance of the deposition.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP



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Jack B. Blumenfeld (#1014)  
Maryellen Noreika (#3208)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899-1347  
(302) 658-9200  
jblumenfeld@mnat.com  
mnoreika@mnat.com

*Attorneys for Plaintiffs*

*Of Counsel:*

John Desmarais  
Gerald J. Flattmann, Jr.  
Melanie R. Rupert  
KIRKLAND & ELLIS LLP  
Citigroup Center  
153 East 53rd Street  
New York, NY 10022  
(212) 446-4800

F. Dominic Cerrito  
Daniel L. Malone  
Eric C. Stops  
JONES DAY  
222 East 41st Street  
New York, NY 10017  
(212) 326-3939

July 7, 2008

## **SCHEDULE A**

### **Definitions and Instructions**

The definitions set forth in Plaintiffs' Requests for the Production of Documents and Things in Connection with Jurisdictional Discovery from Orgenus are hereby incorporated by reference.

### **Topics of Examination**

1. Any activities of Orgenus occurring in Delaware from 2002 to present.
2. Any contractual, employment or business relationship between Orgenus and any person or entity located or incorporated in Delaware.
3. Orgenus' participation in the development of any product offered for sale in the United States, including Delaware, from 2002 until the present.
4. Any sale, offer for sale, or distribution of any product or service by or on behalf of Orgenus to any entity that resells, distributes or otherwise delivers the product or service in the United States, including Delaware, from 2002 until the present.
5. Any advertisements, promotions, marketing, sales calls or other solicitations of business by or on behalf of Orgenus, in the United States, including in Delaware, from 2002 until the present.
6. The identity and volume, in dollar, unit and percentage amounts, of any products sold, distributed, imported, dispensed or otherwise handled in the United States by or on behalf of Orgenus, including in Delaware, from 2002 until the present.
7. Orgenus' expectations or projections for sales of the generic product defined by Abbreviated New Drug Application ("ANDA") No. 90-044 in the United States, including in Delaware.

8. Any property, office space, industrial space, warehouse space or tangible items that Orgenus has owned or leased in Delaware from 2002 until the present, and the use of such property.

9. Any registration, license or permit, or application therefore, by Orgenus with or to any Delaware governmental entity.

10. Any agreements or contracts entered into between Orgenus and any person or entity located or incorporated in Delaware.

11. Any purchases by Orgenus from vendors or suppliers located or incorporated in Delaware.

12. Any seminars, trade shows, conferences, conventions, symposia or meetings that Orgenus or its employees or agents have attended in Delaware from 2002 until the present.

13. Any Medicaid payments that have been tendered directly or indirectly to Orgenus in consideration for the sale of any Orgenus product or service in Delaware from 2002 until the present.

14. The corporate relationship between and among Orgenus, Orchid India and Orchid Pharma.

15. The relationship between Orgenus and any subsidiaries or other affiliated companies incorporated or with a principal place of business in Delaware.

16. The preparation and submission of Abbreviated New Drug Application ANDA No. 90-044 and its concurrent Paragraph IV certification.

17. Orgenus' pre-suit knowledge of any Plaintiff or the NAMENDA<sup>®</sup> brand memantine products.

18. Orgenus' expectations of, or preparations for, being sued by Plaintiff for patent infringement in response to ANDA No. 90-044 and its concurrent Paragraph IV certification.

19. Any activities associated with Orgenus' role as an "importer of record" for Orchid India, as that phrase was used by Dr. C.B. Rao during his June 13, 2008 deposition. (Rao Dep. Tr. 25:25-26:20, 51:20-52:11, 58:7-11, 147:9-23.)

20. Any activities associated with Orgenus acting as "a U.S. filing agent, an agent for Orchid India," as that phrase was used by Dr. C.B. Rao during his June 13, 2008 deposition. (Rao Dep. Tr. 25:25-26:17, 51:20-52:11, 147:9-23.)

21. Orgenus' efforts to introduce Orchid India "to potential distribution partners" and to introduce "distributor[s]" to Orchid India, as those phrases were used by Dr. C.B. Rao during his June 13, 2008 deposition. (Rao Dep. Tr. 58:12-21, 58:24-59:6.)

22. Any and all sources of revenue for Orgenus, including but not limited to capitalization.

23. Payments or other transfers of money between and among Orgenus, Orchid India and Orchid Pharma.

**CERTIFICATE OF SERVICE**

I hereby certify that on July 7, 2008 I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing to:.

Mary B. Matterer, Esquire  
MORRIS JAMES LLP

Frederick L. Cottrell, III, Esquire  
Anne Shea Gaza, Esquire  
Kelly E. Farnan, Esquire  
RICHARDS, LAYTON & FINGER, P.A.

Richard L. Horwitz, Esquire  
David E. Moore, Esquire  
POTTER ANDERSON & CORROON LLP

Richard D. Kirk, Esquire  
Ashley B. Stitzer, Esquire  
BAYARD, P.A.

Joseph Grey, Esquire  
Thomas G. Whalen, Jr., Esquire  
STEVENS & LEE, P.C.

John M. Seaman, Esquire  
Kevin G. Abrams, Esquire  
ABRAMS & LASTER LLP

I further certify that I caused to be served copies of the foregoing document on July 7, 2008 upon the following in the manner indicated:

Mary B. Matterer, Esquire  
MORRIS JAMES LLP  
500 Delaware Avenue  
Suite 1500  
Wilmington, DE 19801  
*Counsel for Cobalt Laboratories Inc.*

*VIA ELECTRONIC MAIL  
And HAND DELIVERY*

William A. Rakoczy, Esquire  
Paul J. Molino, Esquire  
Deanne M. Mazzochi, Esquire  
Neil A. Benchell, Esquire  
John Polivick, Esquire  
RAKOCZY MOLINO MAZZOCHI SIWIK LLP  
6 West Hubbard Street  
Suite 500  
Chicago, IL 60610  
*Counsel for Cobalt Laboratories Inc.*

*VIA ELECTRONIC MAIL*

Kelly E. Farnan, Esquire  
RICHARDS, LAYTON & FINGER, P.A.  
One Rodney Square  
920 North King Street  
Wilmington, DE 19801  
*Counsel for Wockhardt USA Inc. and  
Wockhardt Limited*

*VIA ELECTRONIC MAIL  
and HAND DELIVERY*

Michael Dzwonczyk, Esquire  
Mark Boland, Esquire  
Chid Iyer, Esquire  
SUGHRUE MION, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 23307  
*Counsel for Wockhardt USA Inc. and  
Wockhardt Limited*

*VIA ELECTRONIC MAIL*

Frederick L. Cottrell, III, Esquire  
Anne Shea Gaza, Esquire  
RICHARDS, LAYTON & FINGER, P.A.  
One Rodney Square  
920 North King Street  
Wilmington, DE 19801  
*Counsel for Upsher-Smith Laboratories Inc.*

*VIA ELECTRONIC MAIL  
and HAND DELIVERY*

David E. Marder, Esquire  
Jake M. Holdreith, Esquire  
Yixin H. Tang, Esquire  
ROBINS, KAPLAN, MILLER & CIRESI L.L.P.  
Prudential Tower, 25<sup>th</sup> Floor  
800 Boylston Street  
Boston, MA 02199  
*Counsel for Upsher-Smith Laboratories Inc.*

*VIA ELECTRONIC MAIL*



Richard L. Horwitz, Esquire  
David E. Moore, Esquire  
POTTER ANDERSON & CORROON LLP  
1313 North Market Street – 6<sup>th</sup> Floor  
Wilmington, DE 19801  
*Counsel for Orchid Pharmaceuticals Inc.,  
Orchid Chemicals & Pharmaceuticals Ltd  
(d/b/a Orchid Healthcare), PLIVA d.d.,  
PLIVA-Hrvatska d.o.o., Barr Laboratories,  
Inc., Barr Pharmaceuticals, Inc., Interpharm  
Holdings, Inc., Interpharm, Inc., Dr. Reddy's  
Laboratories, Inc., Dr. Reddy's Laboratories  
Limited, Orgenus Pharma Inc., Genpharm  
Inc., Genpharm, L.P., Mylan Pharmaceuticals  
Inc., Apotex Inc. and Apotex Corp*

*VIA ELECTRONIC MAIL  
and HAND DELIVERY*

Kenneth G. Schuler, Esquire  
LATHAM & WATKINS LLP  
Sears Tower – Suite 5800  
233 South Wacker Drive  
Chicago, IL 60606  
*Counsel for Orchid Pharmaceuticals Inc.,  
Orchid Chemicals & Pharmaceuticals Ltd  
(d/b/a Orchid Healthcare) and Orgenus  
Pharma Inc.*

*VIA ELECTRONIC MAIL*

Terrence J. Connolly, Esquire  
LATHAM & WATKINS LLP  
885 Third Avenue – Suite 1000  
New York, NY 10022-4834  
*Counsel for Orchid Pharmaceuticals Inc.,  
Orchid Chemicals & Pharmaceuticals Ltd  
(d/b/a Orchid Healthcare) and Orgenus  
Pharma Inc.*

*VIA ELECTRONIC MAIL*

Darryl H. Steensma, Esquire  
LATHAM & WATKINS LLP  
12636 High Bluff Drive – Suite 300  
San Diego, CA 92130  
*Counsel for Orchid Pharmaceuticals Inc.,  
Orchid Chemicals & Pharmaceuticals Ltd  
(d/b/a Orchid Healthcare) and Orgenus  
Pharma Inc.*

*VIA ELECTRONIC MAIL*

Richard D. Kirk, Esquire  
Ashley B. Stitzer, Esquire  
BAYARD, P.A.  
222 Delaware Avenue  
Suite 900  
Wilmington, DE 19801  
*Counsel for Lupin Pharmaceuticals USA, Inc.  
and Lupin, Ltd.*

*VIA ELECTRONIC MAIL  
and HAND DELIVERY*

Douglass C. Hochstetler, Esquire  
D. Christopher Ohly, Esquire  
Sailesh K. Patel, Esquire  
SCHIFF HARDIN LLP  
6600 Sears Tower  
Chicago, IL 60606  
*Counsel for Lupin Pharmaceuticals USA, Inc.  
and Lupin, Ltd.*

*VIA ELECTRONIC MAIL*

Joseph Grey, Esquire  
Thomas G. Whalen, Jr., Esquire  
STEVENS & LEE, P.C.  
1105 North Market Street  
7<sup>th</sup> Floor  
Wilmington, DE 19801  
*Counsel for Teva Pharmaceuticals USA, Inc.*

*VIA ELECTRONIC MAIL  
and HAND DELIVERY*

Steven J. Lee, Esquire  
Sheila Mortazavi, Esquire  
KENYON & KENYON LLP  
One Broadway  
New York, NY 10004  
*Counsel for Teva Pharmaceuticals USA, Inc.*

*VIA ELECTRONIC MAIL*

Thomas J. Meloro, Esquire  
Eugene L. Chang, Esquire  
Coleman B. Ragan, Esquire  
WILLKIE FARR & GALLAGHER LLP  
787 Seventh Avenue  
New York, NY 10019-6099  
*Counsel for PLIVA d.d., PLIVA-Hrvatska  
d.o.o., Barr Laboratories, Inc. and Barr  
Pharmaceuticals, Inc.*

*VIA ELECTRONIC MAIL*

Louis H. Weinstein, Esquire  
Bruce D. Radin, Esquire  
BUDD LARNER, P.C.  
150 John F. Kennedy Parkway  
Short Hills, NJ 07078-2703  
*Attorney for Interpharm Holdings, Inc.,  
Interpharm, Inc., Dr. Reddy's Laboratories,  
Inc. and Dr. Reddy's Laboratories Limited*

*VIA ELECTRONIC MAIL*

John M. Seaman, Esquire  
Kevin G. Abrams, Esquire  
ABRAMS & LASTER LLP  
20 Montchanin Road, Suite 200  
Wilmington, DE 19807  
*Attorneys for Sun India Pharmaceutical  
Industries Limited (a/k/a Sun Pharmaceutical  
Industries Limited)*

*VIA ELECTRONIC MAIL*

James F. Hurst, Esquire  
Charles B. Klein, Esquire  
Jay L. Levine, Esquire  
WINSTON & STRAWN LLP  
35 West Wacker Drive  
Chicago, IL 60601  
*Attorneys for Sun India Pharmaceutical  
Industries Limited (a/k/a Sun Pharmaceutical  
Industries Limited)*

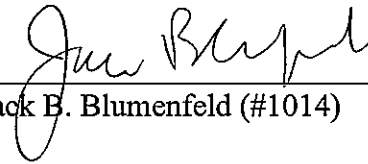
*VIA ELECTRONIC MAIL*

Ron E. Shulman, Esquire  
Terry Kearney, Esquire  
Roger J. Chin, Esquire  
WILSON SONSINI GOODRICH & ROSATI  
650 Page Mill Road  
Palo Alto, CA 94304  
*Attorneys Genpharm Inc., Genpharm, L.P. and  
Mylan Pharmaceuticals Inc.*

*VIA ELECTRONIC MAIL*

Robert B. Breisblatt, Esquire  
Stephen P. Benson, Esquire  
Craig M. Kuchii, Esquire  
Brain J. Sodikoff, Esquire  
Jeremy C. Daniel, Esquire  
Joanna R. Stevason  
KATTEN MUCHIN ROSENMAN LLP  
525 W. Monroe Street  
Chicago, IL 60661  
*Attorneys for Apotex Inc. and Apotex Corp*

*VIA ELECTRONIC MAIL*



---

Jack B. Blumenfeld (#1014)